

Franklin E. Brody
RR2 Box 568
Thomaston, CT 06787

EFCS -- COMMENT for FCC Docket Number: 02-278

Please do enact and enforce an effective nation-wide “NO CALL” list that we could easily sign up for (on-line, telephone, and by mail). Please also insure that there are no loopholes that the telemarketers could use to usurp the regulations.

I reside in Connecticut, which currently has a “NO CALL” statute and list administered by the Connecticut Department of Consumer Affairs.

Consumers can very easily sign up by mail, telephone, or on-line and are added to a list that the Department publishes quarterly for the telemarketers. Telemarketers are not permitted to make unsolicited sales calls to those on the state maintained list. There are a very few exceptions made for debt collection, selected charitable solicitations, and for responding to a prospective customer’s inquiry (and therefore not an unsolicited call). For the most part, reputable telemarketers adhere to this regulation, receiving the list from their member organizations. These organizations have done a fair job of informing their members and getting good voluntary compliance with consumer wishes – but only since the law was enacted.

Prior to the enactment of this statute, we used to receive 5 or more calls (sometimes as many as a dozen) each and every day – all interrupting family activities. NONE of the calls were of any real value to our family, and a few were downright inappropriate and annoying. Things like multiple calls from the same long distance reseller, from the same newspaper, and from multiple home improvement companies and insurance sales. It was not uncommon to receive a solititation from a company that we already did business with (newspaper, long distance, etc.). I am usually a very polite person, but I had finally taken to being just short of rude to these callers and just demanding to not be called any more and then hanging up on them. None of the unsolicited callers heeded my request not be called anymore.

With 4 married children, a ‘herd’ of grandchildren, very elderly parents, and our other caregiver activities, it became very impractical to use an answering machine to filter the calls. Prior to the law’s enactment, I was actually searching for a device that would require the caller to enter a pin number to get through. However, none could be found at a reasonable price.

Since the enactment of this law, and the publication of the first quarterly list, the call volume of these useless and unwanted calls has dropped to about 5 per month – mostly from out-of-state companies. While even these out-of-state companies are required to observe the law, a few do not. The advent of low cost or no cost long distance (i.e.; cell phone plans) has enabled a few out-of-state firms to still call – but again, only a very few per month. The call volume has dropped from 150 – 200 per month down to about 5, giving us more time for more important and useful family activities.

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I would implore you to enact and enforce a similar nation-wide selective “NO-CALL” list and enforce it with the telemarketers. Please also add some ‘teeth’ to the law, like the provision for significant fines (forfeitures) for egregious, repeat, and/or willful violators. In addition, please insure that there are no ‘loopholes’ that allow these telemarketers to usurp the regulations.

One loophole that should be ‘closed’, is the ability for a company to outsource their calling and have each caller company claim to be a different entity and not adhere to previous requests to not call again. The entity on whose behalf the calls are being made must be held responsible for the activities of their sub-contractors. “Hi, this is Jane and I’m calling on behalf of xxxxxx long distance company” was the typical refrain. The key was listening for the words “... calling on behalf of”

I believe the success of products like the telemarketing ‘call zapper’ devices speak volumes to the wishes of the American people. However, citizens should not have to spend more money and make their telephones less usable just to not be annoyed. People who really enjoy or want unsolicited calls could just not sign up for the nation-wide “no-call” list – making it the consumer’s choice.

Thank you for taking my input. Please do feel free to contact me if any additional information or clarification is desired.

**Franklin E. Brody
RR2 Box 568
Thomaston, CT 06787-0568**